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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,092	12/05/2003	Frank Wimbert	Q-78768	7309
23373	7590	04/19/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/728,092	WIMBERT ET AL.	
	Examiner	Art Unit	
	Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on March 8, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6637917 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

2. Applicant's arguments, see Pages 6-9, filed March 8, 2005, with respect to the rejection(s) of Claim(s) 1-7 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of DE 20017038 U1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 20017038 U1.

4. With regards to Claim 1, DE 20017038 U1 discloses a vehicle lamp including:

- A housing having a light exit opening [Figures 1-2: (3)];
- An elongate light cover [Figures 1-2: (6)] closing the light exit opening;

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- At least one light emitting diode [Figure 2: (15)] in the housing disposed laterally of the light cover, whereby the light emitting diode having a main emission direction substantially parallel to the longitudinal direction of the light cover;
- A light guide device [Figure 2: (8)] positioned for light emitted by the at least one light emitting diode in the main emission direction to be coupled in to the light guide device and at least partially coupled transversely with respect to the main emission direction towards the light cover; and
- A reflector arrangement [Figure 2: (20)], which extends at least on the side of the light guide device in opposite relationship to the light cover and reflects towards the light cover light which is coupled out therefrom in other directions than towards the light cover.

DE 20017038 U1 does not specifically teach the reflector arrangement including a good heat-conducting material and being in good heat-conducting relationship with the at least one light emitting diode to act for same as a cooling means.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the reflector arrangement out of a good heat-conducting material to act as a cooling means for the at least one light emitting diode, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, it is an obvious design choice to make the reflector out of heat conducting material so as to ensure efficiency and long

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life for the light emitting diode, as well as safety to a user, who may touch the vehicle lamp assembly [e.g., side rearview mirror].

5. With regards to Claim 2, DE 20017038 U1 teaches a carrier circuit board [last page of the Description, Paragraph 3] on which the at least one light emitting diode is mounted. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the circuit board in good heat-conducting contact with the light emitting diode and reflector arrangement, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, it is considered an obvious design choice so as to ensure efficiency and long life for the light emitting diode, as well as safety to a user, who may touch the vehicle lamp assembly [e.g., side rearview mirror].

6. With regards to Claim 3, DE 20017038 U1 teaches the reflector arrangement including a plate with a high mirror finish vapor deposited thereon [Figure 2: (23); Claim 9].

7. With regards to Claim 4, DE 20017038 U1 discloses the claimed invention as cited above, but does not specifically teach the reflector arrangement including a chromium-plated plastic body. However, it would have been obvious to modify the reflector out of a chromium-plated plastic body, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, a chromium-plated plastic body is preferred, whereby a reflection for the

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illumination is provided as well as control over the heat transfer of the system [e.g., via the plastic body].

8. With regards to Claim 5, DE 20017038 U1 discloses the reflector arrangement being formed by at least one housing wall [Figure 3: (10)] having an inside surface with a reflective layer thereon.

9. With regards to Claim 6, DE 20017038 U1 discloses the form of a side flashing lamp for fitting into the housing of an external rearview mirror [Figures 1-3].

10. With regards to Claim 7, it is considered by the examiner to be an obvious design choice that the vehicle lamp may be in the of a high-set brake lamp. Such lamps are commonly known in the art.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (4/1/2005)


Stephen Husar
Primary Examiner